

**MEMBER CONDUCT PANEL
8TH OCTOBER 2020**

PRESENT: The Chair (Councillor Tassell)
Councillors Jones, Rollings and Ward

Monitoring Officer
Independent Person
Investigating Officer
Democratic Services Officer (NC)

APOLOGIES: none

The Monitoring Officer stated that the meeting was being live streamed as a public meeting and would also be recorded and the recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

1. APPOINTMENT OF CHAIR

RESOLVED that Councillor Tassell be appointed Chair for the meeting.

2. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures of interests were made.

3. DETERMINATION OF A COMPLAINT OF A BREACH OF THE MEMBERS' CODE OF CONDUCT OF MOUNTSORREL PARISH COUNCIL BY CLLR MICK LEMON

In accordance with the procedure for dealing with complaints, the Panel was asked to determine the complaint of a potential breach of the Members' Code of Conduct of Mountsorrel Parish Council as set out in the report of the Monitoring Officer, and to decide whether they amounted to a breach of the Code of Conduct by Councillor Lemon, and if so, whether it felt it was appropriate to recommend the imposition of sanctions to the Parish Council.

Administration of the Panel

The Chair explained the order of proceedings and all present confirmed they understood the procedure. It was established that nobody present was aware of any interests or other reason which could prejudice the ability of the Panel to hold a fair hearing and make a sound determination on the matters in question.

It was confirmed that the Investigating Officer would not be calling witnesses and that Councillor Lemon would not be attending. Councillor Lemon had submitted additional information just prior to the meeting. The Monitoring Officer confirmed that this information, as it was received late in the proceedings, would be published with the

minutes of the meeting. Members of the Panel were given time to read the document before continuing.

The Monitoring Officer stated that having sought the views of the Investigating Officer and the Independent Person that the hearing would be held in public, although it was noted that part of the additional information submitted by Councillor Lemon was exempt. If Members of the Panel wished to refer to this part of the document, they would need to notify the Monitoring Officer to enable the Panel to proceed into exempt session.

Summary of Proceedings

The Investigating Officer, Mr Gill, presented his report and drew the Panel's attention to the following:

- regarding his participation in meetings, Councillor Lemon had not breached Sec 30 (1) of the Localism Act 2011 in relation to his disclosable pecuniary interest, in his contract for supplying drinks to the Memorial Centre. In participating in the extraordinary meeting, it was his, the Investigating Officer's view, that the dispensation should not have been given.
- that Councillor Lemon's actions in submitting a motion for calling an Extraordinary General Meeting to overturn decisions relating to staffing at the Memorial Centre was in breach of the Nolan Principle of integrity, which was incorporated into the Code of Conduct of Mountsorrel Parish Council, because of the personal financial links arising from his contract to supply drinks to the centre,
- that Councillor Lemon had been a parish councillor since 1991 and had stated he had received various training on the Code of Conduct requirements over the years, although no training records were available.
- that as an experienced councillor, he should have been aware that his involvement in submitting the motion could provoke concern and showed a lack of awareness of how the public would have perceived his actions.
- although Councillor Lemon had stated that his actions were taken in the interests of the parish and to keep the Memorial Centre open, he aware that he had a relevant disclosable pecuniary interest as was shown by him seeking a dispensation from the Clerk.
- if the Centre closed, this would have had direct financial impact for Councillor Lemon because of the contract he had for the supply of drinks.
- in his view as the Investigating Officer, Councillor Lemon had wanted to be involved in this matter despite his financial interest, regardless of the potential consequences or public perception.

The Panel Members sought clarification from the Investigating officer as to whether the Investigating Officer's conclusions were altered by the statement of Councillor Lemon (in paragraph 7.8) that he never moved or seconded an item, when he clearly had done so at the special meeting, as set out in the minutes of the meeting that he had submitted.

The Investigating Officer explained that the reference made in paragraph 7.8 related to accounts agenda items, that Councillor Lemon had declared an interest but stated that he had no opportunity to leave the meetings as the business was conducted without debate leaving little time to leave the room.

However, the Investigating officer noted that there was a wider issue in that once Councillor Lemon had declared an interest, he was required by legislation not to be present at the meeting or to vote on the relevant item. Although Councillor Lemon was entitled to rely on the Clerk's advice when he received a dispensation to attend the special meeting, he should have been aware legally that he should not be present and he could have asked other members of the Parish Council to represent his views at the meeting.

Summary Statements

Mr Grimes stated that he agreed with the findings in the Investigating Officer's report and that his role as the Independent Person was to view matters from the perspective of the 'man on the Clapham omnibus'. He considered that the view of the public would be that the actions of Councillor Lemon would not have appeared unbiased, and that this should have been apparent to Councillor Lemon. He was an experienced councillor and although he stated he was acting in the best interests of the parish he had also stated that the parish would not have been happy with any decision. In the Independent Person's view, this indicated that Councillor Lemon did not care and showed a complete negligence for the Nolan Principles and the views of the general public regarding his actions.

The Investigating Officer stated that in view of the experience of Councillor Lemon he should have been aware his actions would provoke concern but had showed indifference and continued regardless.

The Panel were also aware of the draft Governance Review that had been undertaken by the Leicestershire and Rutland Association of Local Councils that was referred to in the Investigating Officer's report, which had made a number of recommendations to Mountsorrel Parish Council to improve its governance arrangements.

The Panel and the Monitoring Officer withdrew to allow the Panel to consider the evidence in private.

Once all parties had returned to the meeting, the Chair of the Panel announced the Panel's decision in relation to the material facts.

RESOLVED that Councillor Lemon had breached the Members' Code of Conduct of Mountsorrel Parish Council, in particular, Principle 2 of the Nolan Principles relating to integrity which Mountsorrel Parish Council had adopted as part of its Code of Conduct.

Reason

Having considered the evidence and the relevant submissions during the hearing, the Panel unanimously agreed there had been a breach of the Code of Conduct. Councillor Lemon had declared a pecuniary interest, but despite this he had submitted a motion asking to call a special meeting to discuss matters in which he had a related financial interest. The Panel's view was that the average person looking at the circumstances would consider Councillor Lemon had acted with a lack of integrity. Councillor Lemon had been a councillor since 1991 and had undergone training in relation to the Code of Conduct. He should have known that his involvement in the matter would bring into question his integrity given that Principle 2 of the Nolan Principles specifically requires that councillors "*should not act or take decisions in order to gain financial or other material benefits*".

Recommendation of imposition of sanctions

Before the Panel considered whether to recommend the imposition of sanctions, the Chair asked if the Investigating Officer or the Independent Person wished to comment.

The Investigating Officer stated that given the nature of the breach of the Code of Conduct and the potential implications, he considered that a censure and a requirement to undertake further training in the Code of Conduct by an independent trainer to be appropriate. The training should provide a wider insight into member conduct implications and should be formally documented in Councillor Lemon's training record.

The Independent Person concurred with the Investigating Officer's views and added that wider consideration should be given to improving the governance of Mountsorrel Parish Council.

The Panel and the Monitoring Officer withdrew to allow the Panel to consider whether or not to recommend the imposition of sanctions.

The Panel returned to announce the Panel's decision and

RESOLVED

1. that in respect of the breach of the Members' Code of Conduct by Councillor Lemon that it be recommended to Mountsorrel Parish Council that:
 - a. a formal letter is sent to Councillor Lemon setting out the breach of the Code which has been identified by the Panel;
 - b. Councillor Lemon is censured by Mountsorrel Parish Council;
 - c. Independent training for Councillor Lemon in relation to the Code of Conduct should be arranged, which should also be recorded.
2. that independent training should be undertaken by all councillors and officers at the Parish Council as stated in the recommendations of the draft Governance Review;
3. that Mountsorrel Parish Council should implement the recommendations within the draft Governance Review as a soon as possible.

Reasons

1. The Panel considered the comments of the Investigating Officer and the Independent Person and agreed that the sanctions recommended were appropriate.

2. The Panel noted the recommendations in the draft Governance Review recently published by Leicestershire and Rutland Association of Local Councils and fully endorsed the recommendation suggesting additional training was necessary.
3. The Panel wished to strongly encourage Mountsorrel Parish Council to implement the recommendations contained with the draft Governance Review.

It was confirmed that Councillor Lemon had the right of appeal which could be exercised within 10 working days of the date of the publication of the Panel's decision.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 9th November 2020 unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.